



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Bill

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

U-AMN-11 [v.1]

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Amends Title [NO]
2019-MNz-13

Date _____, 2020

Representative _____

moves to amend the bill on page ____, lines ____, by inserting between the lines a new section to read:

"SECTION #.(a) Section 2.6(j) of S.L. 2019-111 is repealed.

SECTION #.(b) G.S. 168-20, 168-21, and 168-22 are repealed.

SECTION #.(c) G.S. 168-23 reads as rewritten:

"§ 168-23. Certain private agreements void.

Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property which would permit residential use of property but prohibit the use of ~~such~~ the property as a family care home as defined in G.S. 160D-907 shall, to the extent of such prohibition, be void as against public policy and shall be given no legal or equitable force or effect."

Staff note: S. 2 of 2019-111 repeals all of Article 3 of Chapter 168. Professor Owens reports that this was an error that was to have been corrected but fell through the cracks last year when Chapter 160D was enacted. Article 3 consists of G.S. 168-20, 168-21, 168-22, and 168-23. The first three were incorporated into Chapter 160D as G.S. 160D-907, so their repeal was proper. G.S. 168-23, however, was not moved into Chapter 160D but there was uncertainty as to where it should be. The proposed amendment keeps it from being repealed and leaves it where it is.

and on page ____, lines ____, by inserting between the lines the following:

"SECTION 50.(d) If SB/HB _____, 2019 Regular Session, becomes law, section ____ is repealed."

Staff note; The section intended is currently in HB 1043 and was intended as a stop-gap measure in the event that the GSC's bill does not pass before January 1, 2021:

EXTEND EFFECTIVE DATE OF CHAPTER 160D

SECTION 5.26.(a) Section 3.2 of S.L. 2019-111 reads as rewritten:



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1 **"SECTION 3.2.** Part II of this act becomes effective ~~January 1, 2021~~, August 1, 2021, and
2 applies to local government development regulation decisions made on or after that date. Part II
3 of this act clarifies and restates the intent of existing law and applies to ordinances
4 adopted before, on, and after the effective date."

5 **SECTION 5.26.(b)** This section is effective when it becomes law.